

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Telecommunications Relay Services</b>	)	<b>CC Docket No. 98-67</b>
<b>and Speech-to-Speech Services for</b>	)	
<b>Individuals with Hearing and Speech</b>	)	
<b>Disabilities</b>	)	
<b>Ultratec Petition for Clarification</b>	)	

**COMMENTS OF WORLDCOM, INC.  
PROVISION OF AND COST RECOVERY FOR CAPTEL**

**I. SUMMARY**

In its April 12, 2002 Petition for Clarification, Ultratec asks the Commission to clarify that the provision of its CapTel service, which it describes as an enhanced voice carry over service (VCO), not be subject to the Commission's mandatory minimum requirements to provide video relay service (VRS), speech-to-speech service (STS), and hearing carryover service (HCO).<sup>1</sup> WorldCom takes this opportunity to comment on Ultratec's Petition. In order to encourage the development of CapTel, IP-Relay, and other innovative relay services, the Commission should adopt general policy principles to use to evaluate both permanent waivers

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<sup>1</sup> Ultratec Petition for Clarification, Provision of and Cost Recovery for CapTel, an Enhanced VCO Service, CC Docket No. 98-67, April 12, 2002.

from the Commission's mandatory minimum relay requirements; and reimbursement for these services. The Commission should treat innovative relay services in a consistent manner to ensure that its actions remain technologically and competitively neutral. The Commission should permanently waive those mandatory minimum requirements for innovative relay services that are technically infeasible for those services. As long as traditional relay continues to meet these requirements, and as long as users of innovative services know the limitations of these services, relay users desiring these capabilities will utilize traditional relay. Users not desiring these waived capabilities will utilize the innovative service and benefit from the specific improvements these new services make possible. When adopting this principle, the Commission should simultaneously permanently waive the requirements for IP-Relay providers to offer VCO, STS, 911, and pay-per-call access, since it is technically infeasible to provide these capabilities over IP-Relay. The Commission should also require NECA to determine whether innovative services have significantly different cost structures from traditional relay, and if so, should prescribe a service-specific reimbursement rate.

## **II. BACKGROUND**

Ultratec describes its CapTel service as an enhanced form of VCO, where a TTY user bypasses a communications assistant (CA) and connects directly to a hearing person. Through the use of its proprietary technology, an Ultratec CA voices the conversation of the non-hearing disabled person, which is then automatically translated into text and transmitted to the TTY user. At the same time, the original voice of the non-hearing disabled person is transmitted to the TTY user.<sup>2</sup>

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<sup>2</sup> Id., at 6.

Ultratec's CapTel service is an innovative telecommunications relay service (TRS). The service provides a number of improvements over existing relay service such as improved typing speed, simultaneous voice and text over one line, and more normal conversation tempo. The Commission should ensure that Ultratec and other providers of innovative relay services are able to be appropriately reimbursed for their services, and are not required to meet existing minimum standards which are not technically feasible for the innovative service in question.<sup>3</sup> The Commission's treatment of waivers from mandatory minimum standards, and cost reimbursement must be consistent across new services and across providers. Otherwise, the Commission will improperly favor one technology, or one provider, over another. The Commission must establish rules pertaining to new services that are technology and competitively neutral.

### **III. THE COMMISSION SHOULD EXEMPT INNOVATIVE RELAY SERVICES FROM THOSE MANDATORY REQUIREMENTS WHICH ARE TECHNICALLY INFEASIBLE TO PROVIDE**

Ultratec's Petition explicitly requests permanent waiver from STS, VRS, and HCO. Ultratec does not explain why it would be technically infeasible to provide these relay services, but if it is able to meet this test, the Commission should permanently waive these requirements for this type of relay service.<sup>4</sup> There appear to be other mandatory minimum requirements that would also need to be permanently waived, even though they were not explicitly identified by Ultratec. These include carrier of choice, choice of CA gender, and choice to receive text in American Sign Language (ASL). Each of these requirements may be communicated to the CA

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<sup>3</sup> A capability would be technically infeasible if the provider is not able to use existing technology to provide the capability. See First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, 11 FCC Rcd 15499, CC Docket 96-98, Released August 8, 1996, at &198.

<sup>4</sup> The Commission

at the initiation of the call.<sup>5</sup> Because CapTel automatically connects to the called party without the intervention of the CA, these choices do not appear to be not technically feasible and would need to be permanently waived. The Commission should determine whether there are other mandatory requirements which may not be provided. For example, will Ultratec provide Spanish relay service? Also, it is not clear whether Ultratec's CAs will be able to type 60 words per minute in the event a virus or other technical glitch interferes with the voice recognition software.

The Commission should allow permanent waiver of its mandatory minimum standards for those features of innovative services which are not technically feasible to provide. As long as traditional relay continues to meet these requirements, and as long as users of innovative services know the limitations of these services, relay users desiring these capabilities will utilize traditional relay. Users not desiring these waived capabilities will utilize the innovative service and benefit from the specific improvements these new services make possible. Under these circumstances permanent waivers only add to the social good. The Commission should not fear that there will be a stampede of providers seeking permanent waivers. Waivers should be granted only for those capabilities which are technically infeasible for the service in question. If the Commission adopts this recommendation, it should simultaneously permanently waive the requirements for IP-Relay to provide 911, VCO, STS, and pay-per-call, as these capabilities are technically infeasible for IP-Relay.<sup>6</sup>

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<sup>5</sup> These preferences might be included in a customer profile, but the Commission's existing rules retain these choices even if the caller has not established a profile for these choices.

<sup>6</sup> See, Petitions for Reconsideration of WorldCom and Sprint, Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Petition for Clarification of WorldCom, Inc, CC Docket No. 98-67, filed May 22, 2002 and July 11, 2002 respectively

If the Commission permanently waives these requirements for CapTel's service, the Commission should make clear that the waiver applies to other enhanced VCO services that operate in a similar fashion. CapTel is a proprietary service of Ultratec. Once waivers for this type of service are granted, other relay providers, offering similar services, should not have to petition for the same waivers.

**IV. THE COMMISSION SHOULD HAVE NECA DETERMINE APPROPRIATE REIMBURSEMENT RATES FOR INNOVATIVE SERVICES**

The Commission should also treat cost-reimbursement for non-traditional services equally. Just as it has done with STS, VRS, and IP-Relay, the Commission should require NECA to determine the cost characteristics of this type of relay service, and if it differs significantly from traditional relay, it should be reimbursed at a service-specific rate.

**V. CONCLUSION**

For the reasons discussed above, WorldCom urges the Commission to adopt the positions advocated herein.

Respectfully submitted

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## Statement of Verification

I have read the foregoing, and to the best of my knowledge, information, and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct.

Executed on July 26, 2002

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